

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ADI FAIRBANK,

No. 3:13-cv-00397-HU

Plaintiff,

ORDER

v.

JAMES A. UNDERWOOD and EDDIE
MEDINA,

Defendants.

Adi Fairbank
5023 SE Kelly Street
Portland, OR 97206

Pro Se Plaintiff

Frank H. Lagesen
Shane P. Swilley
Cosgrave Vergeer Kester, LLP
888 SW Fifth Avenue, Suite 500
Portland, OR 97204

Attorney for Defendants

HERNANDEZ, District Judge:

Magistrate Judge Hubel issued a Findings and Recommendation (#27) on November 12, 2013, in which he recommends that the Court grant Defendants' request for judicial notice (#7), grant in part and deny in part Defendants' motion to dismiss (#2), deny Defendants' motion for sanctions (#10), and grant Defendants' motion to strike Plaintiff's sur-reply (#23). The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

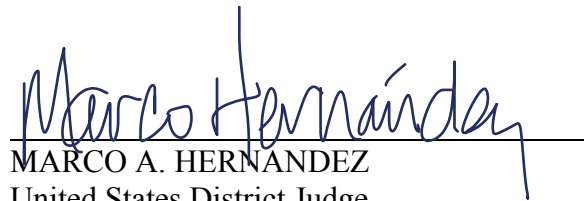
Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record *de novo*. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, I find no error.

CONCLUSION

The Court adopts Magistrate Judge Hubel's Findings and Recommendation (#27). Accordingly, Defendants' request for judicial notice (#7) is granted, Defendants' motion to dismiss (#2) is granted in part and denied in part, Defendants' motion for sanctions (#10) is denied, and Defendants' motion to strike Plaintiff's sur-reply (#23) is granted.

IT IS SO ORDERED.

DATED this 8 day of December, 2013.


MARCO A. HERNANDEZ
United States District Judge